REMARKS

Claims 1-17 are pending in the application. Claims 1-17 stand rejected. Reconsideration is requested.

Claims 1 and 14 are canceled.

Claims 2-12 and 15-17 are amended.

Claim 18 and 19 are new.

Request for Continued Examination - 35 CFR 132(b)

Applicant is filing herewith a Request for Continued Examination. Authorization to pay the examination fee is included with this response.

Claim Rejections - 35 U.S.C. § 102(e)

Claim 1-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hebert et al., U.S. Patent No. 6,088,749.

The Applicant traverses the rejection, however the Applicant amends claims 2-12 and 14-17 to further clarify the subject matter and to facilitate bringing this case to allowance.

Applicant's system provides a method of tunneling a transaction based protocol through a generic Internet protocol (IP) transport. The method utilizes a transport protocol, a message buffer, a source-address field and one or more data fields for transparent routing of a user protocol over the IP transport during a host-to-host communication or telecommunication session. The method further utilizes a mechanism for deriving a transaction-based protocol-specific class that is compatible with the base class library, the transaction-based protocol-specific class further being derived based in part on the chosen transport protocol.

Applicant's independent claim 2, for example, recites:

"A method of tunneling a transaction based protocol through a generic Internet protocol (IP) transport... for transparent routing of a user protocol over the IP transport during a host-to-host communication or telecommunication session; creating a base class library... and providing a mechanism for deriving a transaction-based protocol-specific class that is compatible with the base class library, the transaction-based protocol-specific class further being derived based in part on the chosen transport protocol."

The cited Hebert reference shows a protocol that communicates between a host and a telecommunication switch. Hebert's system does not disclose or utilize tunneling. The words tunnel or tunneling are not even mentioned in this reference. Similarly, the Hebert reference does not utilize the Internet protocol and in fact the reference does not even mention the use of the Internet Protocol. Furthermore, Hebert does not disclose the derivation of a transaction-based protocol-specific class. Rather Hebert provides for a user to define a separate finite state machine for each port provided by the switch. The finite state machines include predetermined messages that are selected under predetermined conditions (See the Abstract in the Hebert reference, for example). Therefore, a withdrawal of the rejection based upon the Hebert reference under 35 USC 102e is requested.

Amended claim 3 recites the method of claim 2 wherein the transaction-based protocol-specific class is derived using an object-oriented inheritance based mechanism. In this example, the base class may contain virtual functions that are then defined by the protocol-specific class, as described beginning on page 11, line 23 of the application. The use of a base class mechanism with object oriented inheritance is a different and unique method of deriving software behavior in messaging systems. Hebert does not provide such a mechanism, but instead describes a common method of event-driven finite state machine processing for a determination of software behavior. Therefore, a withdrawal of the rejection based upon the Hebert reference under 35 USC 102e is requested.

Amended claim 4 recites the method of claim 2 including compiling the transaction-based protocol-specific class when a transaction and the transport protocol are determined. Significantly, the transaction-based protocol-specific class is defined during a compilation process, as identified in the example on pages 10-15 of the present invention. This is distinguishable from any process or method disclosed in Hebert, such as selection of predetermined messages in the pre-defined finite state machines (Abstract). Therefore, a withdrawal of the rejection based upon the Hebert reference under 35 USC 102e is requested.

With regards to claims 5, in addition to the relevant arguments made in support of claim 2, Applicant notes that Hebert does not disclose base class constructors of virtual, copy, and assignment, and generic access methods that are recited in claim 5. Therefore, a withdrawal of the rejection based upon the Hebert reference under 35 USC 102e is requested.

Amended claims 6-12 and 14-17 are considered to be in condition for allowance for the same or similar reasons as explained above with reference to claims 2-4.

Applicant has included new dependent claim 18 that depends on claim 2, which includes the further limitation that the transport protocol is operated on by a signaling

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function and wherein the user protocol may be routed over the transport without a switching function. This claim is supported by the disclosure at page 4, lines 21-30.

Applicant has included new dependent claim 19, which recites the method according to claim 2 including populating a message structure of the transaction-based protocol-specific class with tag-length-value (TLV) trios when the transaction-based protocol-specific class is derived. Hebert does not disclose when or how the TLV information is populated, nor why it would be advantageous to populate the TLV trios when a protocol specific class is derived.

A rejection of Applicant's claims under a 35 USC 102e rejection requires that every element of the claims be described in the referenced art. Therefore, a rejection under 35 USC 102e based upon the Hebert reference is inappropriate with respect to the claims as originally filed and as amended herein, for the reasons discussed above.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 2-13 and 15-19 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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